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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,420	02/27/2004	Matthias Dutsch	DUTSCH	5257
20151	7590	05/02/2008	EXAMINER	
HENRY M FEIREISEN, LLC 350 FIFTH AVENUE SUITE 4714 NEW YORK, NY 10118			SHEPARD, JUSTIN E	
ART UNIT	PAPER NUMBER			
2623		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/789,420	<b>Applicant(s)</b> DUTSCH ET AL.
	<b>Examiner</b> Justin E. Shepard	<b>Art Unit</b> 2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08) \_\_\_\_\_  
 Paper No(s)/Mail Date 2/27/04.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishman in view of Gelston.

Referring to claim 1, Fishman discloses an icon for graphic visualization of task-oriented steps in industrial control processes (Abstract; figure 3c), the graphic visualization comprising at least one graphic symbol (figure 3c; column 10, lines 29-36) and at least one placeholder (figure 3c; column 10, lines 51-53), wherein a size of the placeholder is representative of the duration of a task-oriented process step (figure 3c; column 10, lines 51-53).

Fishman does not disclose an icon wherein the icon comprises at least one graphic symbol and at least one placeholder.

In an analogous art, Gelston teaches an icon wherein the icon comprises at least one graphic symbol and at least one placeholder (figure 31; paragraph 133).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the graphic symbol to the placeholder as taught by Gelston to the icon disclosed by Fishman. The motivation would have been to enable the user to be able to

understand the whole process with a quick look at the timeline, instead of having to refer back to the process list.

Referring to claim 2, Fishman discloses an icon of claim 1, wherein the placeholder comprises at least one of a frame, a line and an arrow (figure 3c).

Referring to claim 3, Fishman discloses an icon of claim 1, wherein the icon displays an actual state of a task oriented process step as at least one of a change in color, size and type of the at least one graphic symbol and a change in a line thickness and a line type of the placeholder (figure 3c; column 10, lines 29-36 and 51-53).

Referring to claim 4, Fishman discloses the use of the icon of claim 1 for graphic visualization of the task-oriented process steps of parts programs in machine tools or production machines (Abstract; figure 3c).

Referring to claim 5, Fishman discloses a method for graphic visualization of task-oriented steps of parts programs in machine tools or production machines with icons (Abstract; figure 3c), wherein each row is associated with a particular parts program and a column width of an icon in said row represents a duration of the task-oriented process step for said parts program, or alternatively, each column is associated with a particular parts program and a row width of an icon in said column represents a

duration of the task-oriented process step for said parts program (figure 3c; column 9, lines 61-64; column 10, lines 29-36 and 51-53).

Fishman does not disclose a method wherein the icons are arranged in form of rows and columns and each icon graphically visualizes an individual task-oriented step of a parts program.

In an analogous art, Gelston teaches a method wherein the icons are arranged in form of rows and columns and each icon graphically visualizes an individual task-oriented step of a parts program (figure 31; paragraph 133).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to add the graphic symbol to the placeholder as taught by Gelston to the icon disclosed by Fishman. The motivation would have been to enable the user to be able to understand the whole process with a quick look at the timeline, instead of having to refer back to the process list.

Referring to claim 6, Fishman discloses a method of claim 5, wherein the icons comprise at least one graphic symbol and at least one placeholder, wherein a size of the placeholder is representative of the duration of a task-oriented process step (figure 3c).

Referring to claim 7, Fishman discloses a method of claim 5, wherein the placeholder comprises at least one of a frame, a line and an arrow (figure 3c).

Referring to claim 8, Fishman disclose a method of claim 5, wherein through selection of an icon by a user, the corresponding parts program associated with the row or column is indicated in ASCII code or as a step visualization (figure 3c).

Referring to claim 9, Fishman discloses a method of claim 5, wherein the duration of a task-oriented process step is referenced to a common time axis (figure 3c).

Referring to claim 10, Fishman discloses a method of claim 5, wherein the icons are displayed in a normalized or synchronized form (figure 3c; column 9, lines 61-64).

Referring to claim 11, Fishman discloses a method of claim 5, wherein a mutual dependency of the parts programs is visualized by synchronization lines that connect the icons across different parts programs (figure 3c).

Referring to claim 12, Fishman discloses a method of claim 5, wherein the duration of a task-oriented process step is indicated in form of numerical values (figure 3c).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/  
Supervisory Patent Examiner, Art  
Unit 2623

JS